

Senate File 454 - Reprinted

SENATE FILE 454
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SF 345)

(As Amended and Passed by the Senate March 10, 2011)

A BILL FOR

1 An Act relating to misconduct by a school employee and
2 providing related duties, responsibilities, or civil and
3 criminal immunity for other persons, accredited public and
4 private schools, area education agencies, and the board of
5 educational examiners.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 272.2, subsection 1, paragraph b, Code
2 2011, is amended by striking the paragraph and inserting in
3 lieu thereof the following:

4 b. Provide annually to any person who holds a license,
5 certificate, authorization, or statement of recognition
6 issued by the board, training relating to the knowledge and
7 understanding of the board's code of professional conduct and
8 ethics. The board shall develop a curriculum that addresses
9 the code of professional conduct and ethics and shall annually
10 provide regional training opportunities throughout the state.

11 Sec. 2. Section 272.15, subsection 1, Code 2011, is amended
12 to read as follows:

13 1. a. The board of directors of a school district or area
14 education agency, the superintendent of a school district or
15 the chief administrator of an area education agency, and the
16 authorities in charge of a nonpublic school shall report to the
17 board the nonrenewal or termination, for reasons of alleged
18 or actual misconduct, of a person's contract executed under
19 sections 279.12, 279.13, 279.15 through 279.21, 279.23, and
20 279.24, and the resignation of a person who holds a license,
21 certificate, or authorization issued by the board as a result
22 of or following an incident or allegation of misconduct that,
23 if proven, would constitute a violation of the rules adopted
24 by the board to implement section 272.2, subsection 14,
25 paragraph "b", subparagraph (1), when the board or reporting
26 official has a good faith belief that the incident occurred
27 or the allegation is true. The board may deny a license or
28 revoke the license of an administrator if the board finds by
29 a preponderance of the evidence that the administrator failed
30 to report the termination or resignation of a school employee
31 holding a license, certificate, statement of professional
32 recognition, or coaching authorization, for reasons of alleged
33 or actual misconduct, as defined by this section.

34 b. Information reported to the board in accordance with this
35 section is privileged and confidential, and except as provided

1 in section 272.13, is not subject to discovery, subpoena, or
 2 other means of legal compulsion for its release to a person
 3 other than the respondent and the board and its employees and
 4 agents involved in licensee discipline, and is not admissible
 5 in evidence in a judicial or administrative proceeding other
 6 than the proceeding involving licensee discipline. The board
 7 shall review the information reported to determine whether a
 8 complaint should be initiated. In making that determination,
 9 the board shall consider the factors enumerated in section
 10 272.2, subsection 14, paragraph "a".

11 c. For purposes of this section, unless the context
 12 otherwise requires, "misconduct" means an action disqualifying
 13 an applicant for a license or causing the license of a person
 14 to be revoked or suspended in accordance with the rules
 15 adopted by the board to implement section 272.2, subsection 14,
 16 paragraph "b", subparagraph (1).

17 Sec. 3. Section 280.17, Code 2011, is amended to read as
 18 follows:

19 **280.17 Procedures for handling child abuse reports.**

20 1. The board of directors of a ~~public~~ school district
 21 and the authorities in ~~control~~ charge of a nonpublic school
 22 shall prescribe procedures, in accordance with the guidelines
 23 contained in the model policy developed by the department
 24 of education in consultation with the department of human
 25 services, and adopted by the department of education pursuant
 26 to chapter 17A, for the handling of reports of child abuse, as
 27 defined in section 232.68, subsection 2, paragraph "a", "c", or
 28 "e", alleged to have been committed by an employee or agent of
 29 the public or nonpublic school.

30 2. a. The board of directors of a school district and the
 31 authorities in charge of an accredited nonpublic school shall
 32 place on administrative leave a school employee who is the
 33 subject of an investigation of an alleged incident of abuse of
 34 a student conducted in accordance with 281 IAC 102.

35 b. If the results of an investigation of abuse of a

1 student by a school employee who holds a license, certificate,
2 authorization, or statement of recognition issued by the board
3 of educational examiners finds that the school employee's
4 conduct constitutes a crime under any other statute, the board
5 or the authorities, as appropriate, shall report the results of
6 the investigation to the board of educational examiners.

7 Sec. 4. Section 280.27, Code 2011, is amended to read as
8 follows:

9 **280.27 Reporting violence — immunity.**

10 An employee of a school district, an accredited nonpublic
11 school, or an area education agency who participates in good
12 faith and acts reasonably in the making of a report to, or
13 investigation by, an appropriate person or agency regarding
14 violence, threats of violence, physical or sexual abuse of
15 a student, or other inappropriate activity against a school
16 employee or student in a school building, on school grounds,
17 or at a school-sponsored function shall be immune from civil
18 or criminal liability relating to such action, as well as for
19 participating in any administrative or judicial proceeding
20 resulting from or relating to the report or investigation.